

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MARIBETH KOSS,

Plaintiffs,

CASE NO. 05-CV-74263

-vs-

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

UNUM PROVIDENT CORPORATION,
and UNUM LIFE INSURANCE
COMPANY OF AMERICA,

STEVEN D. PEPE
UNITED STATES MAGISTRATE JUDGE

Defendants.

UNUM LIFE INSURANCE
COMPANY OF AMERICA,

Counter-Plaintiff and
Third Party Plaintiff,

-vs-

MARIBETH KOSS,

Counter-Defendant,

and

LORRAINE CALEBRESE,
JASON CALEBRESE, and
CANDACE CALABRESE MUNOZ,

Third Party Defendants.

_____/

ORDER
GRANTING THIRD PARTY DEFENDANT LORRAINE CALEBRESE'S
MOTION FOR RECONSIDERATION

Before this Court is Third Party Defendant Lorraine Calebrese's ("Calebrese")

September 7, 2006 Motion for Reconsideration of this Court's August 28, 2006 Order granting Defendant UnumProvident's Motion (1) to deposit funds into an interest-bearing account, (2) to discharge UnumProvident Corporation and UnumProvident Life Insurance from all liability, (3) to dismiss all claims with prejudice, and (3) to award attorney's fees to UnumProvident. (Docket No. 32).

Calebrese argues that this Court should have allowed her fourteen (14) days to respond to UnumProvident's non-dispositive motion under Local Rule 7.2(d)(2)(B).

Local Rule 7.1(g) provides the standard for granting a motion for reconsideration:

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

The Court finds that Calebrese should have been given an opportunity to respond to UnumProvident's August 25, 2006 Motion. (Docket No. 31). Therefore the Court **GRANTS** Calebrese's Motion for Reconsideration. The Court requests that Calebrese file her brief, not to exceed twenty (20) pages, in opposition to UnumProvident's August 25, 2006 motion within fourteen (14) days of this Order. According to Local Rules, UnumProvident will have seven (7) days from the time of the filing of Calebrese's opposition brief to file a reply brief, if any.

SO ORDERED.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: October 16, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on October 16, 2006.

s/Denise Goodine

Case Manager